

STATE OF MICHIGAN  
COURT OF APPEALS

---

*In re* A. R. DALLAS-WILLIAMS, Minor.

UNPUBLISHED  
January 19, 2017

No. 333842  
Wayne Circuit Court  
Family Division  
LC No. 14-515689-NA

---

Before: TALBOT, C.J., and JANSEN and HOEKSTRA, JJ.

PER CURIAM.

Respondent appeals as of right the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(b)(i), (g), (j), and (k)(ii). We affirm.

Respondent argues that the trial court erred by terminating his parental rights because the record does not refer to any statutory grounds for termination of his parental rights. We disagree.

In a termination proceeding, the trial court must find at least one statutory ground for termination by clear and convincing evidence. *In re Moss*, 301 Mich App 76, 80; 836 NW2d 182 (2013). If the court finds that the petitioner has established a statutory ground for termination, the trial court must terminate parental rights if it finds that termination is in the child’s best interests. MCL 712A.19b(5). This Court reviews “for clear error a trial court’s factual findings as well as its ultimate determination that a statutory ground for termination of parental rights has been proved by clear and convincing evidence.” *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010). Further, this Court reviews for clear error the trial court’s decision on the child’s best interests. *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003). Clear error occurs “[if] although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made.” *Mason*, 486 Mich at 152 (citation and quotation marks omitted; alteration in original).

Respondent’s parental rights were terminated under MCL 712A.19b(3)(b)(i), (g), (j), and (k)(ii), which provide:

The court may terminate a parent’s parental rights to a child if the court finds, by clear and convincing evidence, 1 or more of the following:

\* \* \*

(b) The child or a sibling of the child has suffered physical injury or physical or sexual abuse under 1 or more of the following circumstances:

(i) The parent's act caused the physical injury or physical or sexual abuse and the court finds that there is a reasonable likelihood that the child will suffer from injury or abuse in the foreseeable future if placed in the parent's home.

\* \* \*

(g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

\* \* \*

(j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

(k) The parent abused the child or a sibling of the child and the abuse included 1 or more of the following:

\* \* \*

(ii) Criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate.

Termination of parental rights was proper under the statutory grounds listed above because respondent sexually abused the minor child by anally penetrating her, and she would likely be harmed if returned to his care. Respondent entered a no-contest plea to the petition, which included allegations that respondent sexually abused the child. The child's claims of sexual abuse were disclosed in detail during a forensic interview. Her statements were corroborated by a medical examination showing she had a sensitive anal and genital area. These facts support a finding by clear and convincing evidence that termination was proper under MCL 712A.19b(3)(b)(i), (g), (j), and (k)(ii).

Respondent argues that the trial court erred because the record does not refer to any statutory grounds for termination of his parental rights, and he could not have made a knowing or voluntary plea without any specific reference to the statutory grounds for termination of his parental rights. This claim is unsupported by the trial court record. The petition specifically requested termination of respondent's parental rights under MCL 712A.19b(3)(b)(i), (g), (j), and (k)(ii). Likewise, at the conclusion of the termination hearing, held before a referee, the referee drafted a written report and recommendation, which listed the referee's findings in detail and specifically recommended termination of parental rights under MCL 712A.19b(3)(b)(i), (g), (j), and (k)(ii). The referee's report accurately reflects the case history, and the judge's signature indicates that the court adopted the referee's recommendation. Thus, the statutory grounds for

termination of respondent's parental rights were established by clear and convincing evidence and clearly communicated to respondent.<sup>1</sup>

Affirmed.

/s/ Michael J. Talbot

/s/ Kathleen Jansen

/s/ Joel P. Hoekstra

---

<sup>1</sup> Respondent does not raise an argument regarding best interests. However, we note that even if respondent had raised an argument regarding best interests, we would conclude that termination of respondent's parental rights was in the best interests of the child.